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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/665,757	09/20/2000	John J. Pereless	304.117/09809287	8033
7590	01/09/2004		EXAMINER	
PIPER MARBURY RUDNICK & WOLFE LLP. 1200 NINETEENTH STREET NW WASHINGTON, DC 20036-2412			OUELLETTE, JONATHAN P	
			ART UNIT	PAPER NUMBER
			3629	

DATE MAILED: 01/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.	plicant(s)
09/665,757	PERELESS ET AL.
Examiner	Art Unit
Jonathan Ouellette	3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on 10 October 2003.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) Claim(s) 1-7,9 and 11-22 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-7,9 and 11-22 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) Notice of References Cited (PTO-892)      4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)      5) Notice of Informal Patent Application (PTO-152)  
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.      6) Other:

## DETAILED ACTION

### *Response to Amendment*

1. Claims 8 and 10 have been cancelled, Claims 1-7, 9, and 11-22 remain pending in application 09/665,757.

### *Claim Rejections - 35 USC § 101*

2. The rejection of Claims 1-22 under 35 U.S.C. 101 is withdrawn due to applicant's amendment.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 1-7, 9, and 11-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knowledge Probe (<http://www.recruiter.ca>).
5. As per independent Claims 1, 9, and 21-22, Wiens discloses a service provider node (method for resume storage and retrieval from multiple warehouses, a computer program product) comprising: a client program for accessing web, gopher and other Internet sites that allows users to read documents and navigate between the documents stored in at least

one resume warehouse; a communication link with the plurality at least one resume warehouse; a communication link with at least one client; an application for retrieving job applicant data from at least one resume warehouse, comprising: capturing the job applicant data from the at least one resume warehouse; and parsing the job applicant data captured from the at least one resume warehouse; and an application for collecting the parsed job applicant data and storing the parsed job applicant data in a database. (Resume Detective Application). ([www.recruiter.ca](http://www.recruiter.ca) [[www.recruiter.ca/detective/nj.html](http://www.recruiter.ca/detective/nj.html), [www.recruiter.ca/recruiter/iris.html](http://www.recruiter.ca/recruiter/iris.html), [www.recruiter.ca/recruiter/r4w.html](http://www.recruiter.ca/recruiter/r4w.html)])

6. Knowledge Probe fails to expressly disclose an application that will parse the resume data and place the parsed resume data into a template with at least one job applicant field, such that formatting of the at least one template matches the formatting of the at least one resume warehouse; whereby the job applicant data is stored in a format preserving its original appearance in the at least one resume warehouse.
7. However, Knowledge probe does teach the use of two applications (Resume Detective and IRIS) to parse the resume data and place the parsed resume data into a template with at least one job applicant field ([www.recruiter.ca](http://www.recruiter.ca) [[www.recruiter.ca/detective/nj.html](http://www.recruiter.ca/detective/nj.html), [www.recruiter.ca/recruiter/iris.html](http://www.recruiter.ca/recruiter/iris.html)]).
8. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included one application for parsing the resume data and placing the parsed resume data into a template with at least one job applicant field in the system disclosed by Knowledge Probe, because it would simply be a matter of combining

the two applications made by the same manufacturer – which are already made to seamlessly work together.

9. Furthermore, Knowledge probe teaches the placing of the parsed data into a general template (capturing all pertinent data – preserving organization and information content), which could later be used to track and manipulate the job applicant data. It would have been obvious to one of ordinary skill in the art at the time the invention was made to place the parsed data into any format template the user required, and the prior art discloses a method that can be best used for future data tracking/manipulation. Therefore, the prior art discloses an advancement to the applicant's invention, and since the applicant fails to disclose in the specification a benefit to preserving the job applicant data in its original appearance – the data presentation would be considered nonfunctional descriptive material *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).
10. Knowledge probe also fails to expressly disclose utilizing the parsed resume data for increasing tracking efficiency.
11. However, Knowledge Probe does disclose tracking the source of the parsed resume data through the resume detective application ([www.recruiter.ca/detective/nj.html](http://www.recruiter.ca/detective/nj.html)), and the use of such tracked data does not hold any patentable weight, as a claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced.
12. As per Claim 2, Knowledge Probe discloses wherein the client program is a proprietary browser.

13. As per Claim 3, Knowledge Probe discloses wherein the database is local to the service provider.
14. As per Claims 4 and 11, Knowledge Probe discloses wherein the job applicant data in the database is used to generate form letters (Recruiter for Windows Application).
15. As per Claims 5 and 12, Knowledge Probe discloses an application for tracking source information of the job applicant data (Resume Detective Application).
16. As per Claims 6 and 13, Knowledge Probe fails to expressly disclose wherein the application for tracking source information is used to track a headhunter's efficiencies; however, Knowledge Probe does disclose tracking the source of the parsed resume data through the resume detective application ([www.recruiter.ca/detective/nj.html](http://www.recruiter.ca/detective/nj.html)), and the use of such tracked data does not hold any patentable weight, as a claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced.
17. As per Claims 7 and 20, Knowledge Probe discloses wherein the form letters are communications with the job applicant (Recruiter for Windows Application).
18. As per Claims 14 and 15, Knowledge Probe discloses determining if job applicant data has already been stored in the system to avoid parsing duplicate job applicant data (IRIS Application [Duplicate Detection]).
19. As per Claims 16 and 17, Knowledge Probe discloses wherein cost-related information related to recruiting of job applicants is tracked (Recruiter for Windows Application).

20. As per Claims 18 and 19, Knowledge Probe discloses wherein the parsed job applicant data is searched and manipulated to track job applicant fields contained in the at least one template (IRIS Application).

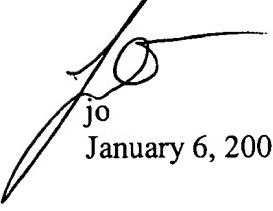
***Response to Arguments***

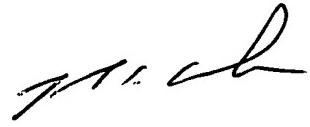
21. Applicant's arguments filed 10/10/03, with respect to Claims 1-7, 9, and 11-22, have been considered but are moot in view of the new ground(s) of rejection.
22. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
23. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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***Conclusion***

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (703) 605-0662. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.
25. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-3597 for After Final communications.
26. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-5484.

  
jo  
January 6, 2004

  
JOHN G. WEISS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600